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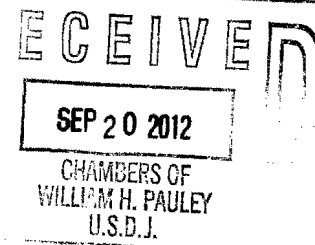
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September 20, 2012

By FACSIMILE & FEDEX

The Honorable William H. Pauley, III
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2210
New York, NY 10007-1312



RE: *In re Currency Conversion Fee Antitrust Litigation*, MDL No. 1409, Master File
No. M 21-95 (S.D.N.Y.)
This document relates to:
Ross, et al. v. Bank of America, et al., No. 05 CV 07116 (WHP) (S.D.N.Y.)
Ross, et al. v. American Express Co., et al., No. 04-cv-5723-WHP (S.D.N.Y.)

Dear Judge Pauley:

We write jointly on behalf of the Citi, Discover, and American Express Defendants to request an extension of certain remaining deadlines for "Designation of Testimony and Exhibits" in this Court's Pre-Trial Scheduling Order, dated April 18, 2012 ("Scheduling Order," attached hereto for the Court's convenience). The requested extensions will not affect the trial date or any other dates in the Scheduling Order. Defendants have conferred with plaintiffs regarding the requested extensions. Subject to the Court's approval, Defendants request, and plaintiffs have agreed to, the following schedule:

- (1) September 20, 2012 deadlines in Sections A.iii. and B.ii. of the Scheduling Order will be extended to September 25, 2012 at 12:00 p.m. EST.
- (2) October 5, 2012 deadlines in Sections A.iv. and B.iii. of the Scheduling Order will be extended to October 12, 2012.
- (3) October 19, 2012 deadlines in Section B.iv. of the Scheduling Order will be extended to October 26, 2012.
- (4) October 26, 2012 deadlines in Section B.v. of the Scheduling Order will be extended to November 2, 2012.

No other dates in the Scheduling Order will be affected by these extensions.

Application granted.


SO ORDERED:

WILLIAM H. PAULEY, III U.S.D.J.

9/20/12

If your Honor agrees with this extension, would your Honor please indicate "so ordered" on a copy of this letter and file the same with the Clerk?

Respectfully submitted,


Theodore R. Scarborough

cc (via email): All Counsel of Record

IN RE
CURRENCY CONVERSION FEE
ANTITRUST LITIGATION

Index No. 05 CV 07116 (WHP)
CLASS ACTION

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AMERICAN EXPRESS COMPANY, AMERICAN
EXPRESS TRAVEL RELATED SERVICES, INC.
and AMERICAN EXPRESS CENTURION BANK,

Defendants.

Designations of deposition testimony to be used at trial shall be by page and line. All parties shall identify exhibits in a manner and form so that opposing parties shall have fair notice of the subject

exhibit and, where possible, shall provide its bates number. Objections shall reference the Federal Rule(s) of Evidence purportedly supporting the objection. Testimony and exhibits shall be designated, identified and objected-to on the following schedule:

A. As to *In re Currency Conversion Fee Antitrust Litig.* ("CCF I"), Master File No. 21-95, 01-md-1409 (S.D.N.Y.) (Pauley, J.):

- i. On or before July 19, 2012, Plaintiffs shall designate deposition testimony and associated exhibits.
- ii. On or before August 23, 2012, Defendants shall designate deposition testimony and associated exhibits, including counter designations, from the discovery produced in CCF I.

Also on or before August 23, 2012, Defendants shall object, if at all, to the testimony and associated exhibits designated or listed in paragraph 1.A.i.

- iii. On or before September 20, 2012, Plaintiffs shall serve their reply counter-designations and identify any associated exhibits, and also shall serve objections, with respect to paragraph 1.A.ii above.
- iv. On or before October 5, 2012, Defendants shall serve their reply counter-designations and identify any associated exhibits, and also shall serve objections, with respect to paragraph 1.A.iii above.

B. Otherwise:

- i. On or before August 23, 2012, Plaintiffs shall designate deposition testimony and associated exhibits from the discovery in *Ross v. American Express Co.*, No. 04-cv-5723 (S.D.N.Y.) (Pauley, J.), and *Ross v. Bank of America, N.A. (USA)*, No. 05-cv-7116 (S.D.N.Y.) (Pauley, J.).

Also on or before August 23, 2012, Plaintiffs shall serve a list identifying all other exhibits that they may use in their case in chief and a list of any witnesses they may call as live witnesses during their case in chief.

- ii. On or before September 20, 2012, Defendants shall designate deposition testimony and associated exhibits, including counter-designations, from the discovery produced in *Ross v. American Express Co.*, No. 04-cv-5723 (S.D.N.Y.) (Pauley, J.), and *Ross v. Bank of America, N.A. (USA)*, No. 05-cv-7116 (S.D.N.Y.) (Pauley, J.).

Also on or before September 20, 2012, Defendants shall object, if at all, to the testimony and associated exhibits designated or listed in paragraph 1.B.i above.

Also on or before September 20, 2012, Defendants shall serve a list identifying all other exhibits that they may use in their case in chief and shall serve a list of any witnesses they may call as live witnesses during their case in chief

- iii. On or before October 5, 2012, Plaintiffs shall serve their reply counter-designations and identify any associated exhibits, and also shall serve objections, with respect to paragraph 1.B.ii above.
- iv. On or before October 19, 2012, Defendants shall serve their reply counter-designations and identify any associated exhibits, and also shall serve objections, with respect to paragraph 1.B.iii above.
- v. On or before October 26, 2012, the Plaintiffs shall identify their objections with respect to Defendants' reply counter-designations and associated exhibits with respect to paragraphs 1.A.iv and 1.B.iv above.

C. Indication Regarding Use of Videographic Testimony.

On or before November 7, 2012, the parties shall indicate which deposition testimony they intend to offer by means of video.

2. Motions in Limine, Including Daubert Motions

- A. On or before September 10, 2012, the parties shall jointly submit to the Court any proposals for page limits with respect to motions *in limine* (other than *Daubert* motions) that differ from those otherwise provided in the Court's rules, as well as present to the Court any other procedural proposals concerning motions *in limine*.
- B. The parties shall submit their motions *in limine*, including *Daubert* motions, as follows:
 - i. October 12, 2012: motions *in limine* due.
 - ii. November 9, 2012: responses to motions *in limine* due.
 - iii. November 30, 2012: replies, if any, in support of motions *in limine* due.

3. Pre-Trial Order

The parties shall file a joint pre-trial order in compliance with Section VI.A of the Court's Individual Practices by November 28, 2012.

4. Pre-Trial Briefs

The parties shall file the documents set forth in Section VI.B. of the Court's Individual Practices, excepting those in Section VI.B.iii (regarding motions *in limine*) but including pre-trial briefs, by December 14, 2012.


5. Pre-Trial Conference

at 11:00 a.m.

The Court shall hold the final pre-trial conference on December 14, 2012, or such other date as the Court may set.

IT IS SO ORDERED.

Dated: April 18, 2012


Honorable William H. Pauley III
U.S.D.J.